

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PEDRO QUIROC BERNAL,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:14CV107
)	
FRANK PERRY,)	
)	
Respondent.)	
)	

RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a prisoner of the State of North Carolina, filed a Petition [Doc. #2] under 28 U.S.C. § 2254 for writ of habeas corpus, which the State opposes with a Motion for Summary Judgment [Doc. #6]. As Respondent notes in his Motion, Petitioner was convicted and sentenced in the Superior Court of Pitt County, within the territorial jurisdiction of the United States District Court for the Eastern District of North Carolina. In addition, it appears that Petitioner is presently incarcerated in the Eastern District of North Carolina. As a result, jurisdiction is proper in that District.

This Court may, in the exercise of its discretion and in furtherance of justice, transfer this case to the district of conviction. 28 U.S.C. § 2241(d); see also 28 U.S.C. § 1406(a). Therefore, in the interest of justice, and in accordance with a joint order of the United States District Courts for the Eastern, Middle, and Western Districts of North Carolina, the entire record of this proceeding should be transferred to the United States District Court for the Eastern District of North Carolina for all further proceedings.

IT IS THEREFORE RECOMMENDED that the entire record of this proceeding be transferred to the United States District Court for the Eastern District of North Carolina for further screening and/or further proceedings.

This, the 3rd day of September, 2014.

/s/ Joi Elizabeth Peake
United States Magistrate Judge